

**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Application of:)	
)	Case No. 1D 2005 64426
)	
Jason Curry Roush)	Order Granting Initial Probationary License
)	
)	
<u>Applicant</u>)	

1) Jason Curry Roush is a 2003 graduate of University of St. Augustine in St. Augustine, Florida. The applicant first filed his physical therapist application on or about September 30, 2005 in the State of California.

2) On September 30, 2005, the applicant submitted an application for physical therapist licensure to the Physical Therapy Board of California. Question # 18 of the application asks: "Have you ever been convicted of, or pled nolo contendere to any offense in any state in the United States or a foreign country?" The applicant disclosed criminal history and signed his application on September 19, 2005, certifying under penalty of perjury under the laws of the State of California that the information contained in the application were true and correct.

3) Information provided by the applicant states that he was arrested in Salisbury, North Carolina and charged with Driving While Impaired. On or about January 26, 2005 he plead "no contest" to the offense of Impaired Driving and was sentenced to 120 days imprisonment, suspended and 24 month unsupervised probation and paid cost & fine totaling \$350.00.

JURISDICTION

4) Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license... The above findings support a conclusion that grounds for denial exist pursuant to Sections 480 (a)(1)(2) and (3).

5) Section 2660.2 of the Business and Professions Code, the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole

discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

6) Pursuant to Section 480 of the Business and Professions Code, there is cause for denial of a license to applicant Jason Curry Roush.

7) Pursuant to Section 2660.2 of the Business and Professions Code, there is cause to refuse a license to applicant Jason Curry Roush. Under the circumstances of this matter, however, a probationary license may be issued consistent with the public interest to applicant Jason Curry Roush on appropriate terms and conditions of probation.

ORDER

IT IS ORDERED THAT the application of Jason Curry Roush for licensure as a physical therapist is hereby granted and applicant will be issued an initial probationary license and subject to all of the following terms and conditions:

1. PROBATION Applicant is placed on probation for a period of (5) five years unless the Board is notified in writing by the Diversion Program that the applicant does not have an addiction to alcohol or a diagnosis of alcohol abuse at which time probation will be automatically terminated and the license will be unrestricted. Probation begins on the date the initial probationary license is issued.
2. DIVERSION PROGRAM Within 15 days from the effective date of this decision, applicant shall enroll and participate in the Board's Diversion Program at Respondent's cost and obtain an evaluation from the Diversion Program. Should the diversion program determine that applicant is a candidate for the diversion program, said applicant shall continue in the diversion program and all probationary terms shall remain as stated in this Order. Failure to comply with any component of this condition as specified above is a violation of probation.
3. PROHIBITION OF THE USE OF ALCOHOL Applicant shall abstain completely from the use of alcoholic beverages. Failure to comply with any component of this condition as specified above is a violation of probation.
4. BIOLOGICAL FLUID TESTING Applicant shall immediately submit to biological fluid testing, at applicants' cost, upon the request of the Board or its designee. Failure to comply with any component of this condition as specified above is a violation of probation.
5. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, and all rules governing the practice of physical therapy in California.
6. QUARTERLY REPORTS Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of the probation.
7. RESTRICTION OF PRACTICE – PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Applicant shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Applicant shall

not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services. Applicant may not employ physical therapist, physical therapist assistants or physical therapy aides.

8. RESTRICTION OF PRACTICE – PRESENCE OF ANOTHER PHYSICAL THERAPIST REQUIRED Applicant shall be prohibited from working any shift in which there is not other physical therapist on duty.
9. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Applicant shall not supervise any physical therapy student interns during the entire period of probation. Applicant shall terminate any such supervisorial relationship in existence on the effective date of this probation.
10. COMPLIANCE WITH ORDERS OF A COURT Applicant shall be in compliance with any valid order of a court. Being found in contempt of any court may constitute a violation of probation.
11. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Applicant must not violate any terms and conditions of any criminal probation and must be in compliance with any restitution ordered.
12. PROBATION MONITORING PROGRAM COMPLIANCE Applicant shall comply with the Board's probation monitoring program.
13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice.
14. NOTIFICATION OF PROBATIONARY STATUS TO EMPLOYERS The applicant shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the order to the employer. The applicant shall obtain written confirmation from the employer that the document was received. If applicant changes employment or obtains additional employment, applicant shall provide the above notification to the employer and submit written employer confirmation to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.
15. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The applicant shall notify the Board and its probation monitor, in writing, of any and all changes of name or address within ten (10) days.
16. PROHIBITED USE OF ALIASES Applicant may not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.
17. WORK OF LESS THAN 20 HOURS PER WEEK If the applicant works less than 192 hours in a period of three months in employment related to the provision of physical therapy services, those months shall not be counted toward satisfaction of the probationary period. The applicant shall notify the Board if he works less than 192 hours in a three months period.
18. TOLLING OF PROBATION The period of probation shall run only during the time applicant is practicing within the jurisdiction of California. If, during

- probation, applicant does not practice within the jurisdiction of California, applicant is required to immediately notify the probationary monitor in writing of the date that applicant's practice is out of state, and the date of return, if any. Practice by the applicant in California prior to notification to the Board of the applicant's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.
19. **VIOLATION OF PROBATION** If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may revoke probation and the license. If an accusation or petition to revoke probation is filed against applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
20. **CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR OTHER REASONS** Following the effective date of this probation, if applicant ceases practicing physical therapy due to retirement, health or other reasons, applicant may request to surrender his license to the Board. The Board reserves the right to evaluate the applicant's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the applicant makes application for the renewal of the tendered license or makes application for a new license.
21. **COMPLETION OF PROBATION** Upon successful completion of probation, applicant's license shall be fully restored.
22. **PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION** It is not contrary to the public interest for the applicant to practice physical therapy under the probationary conditions specified in the disciplinary order.
23. **COMPLETION OF PROBATION**
Upon successful completion of probation, applicant's license shall be fully restored.

THIS DECISION SHALL BECOME EFFECTIVE ON 12/20/05 .

IT IS SO ORDERED 12/20/05 .

Original Signed By: _____
Steven K. Hartzell, Executive Officer
Physical Therapy Board of California